

On October 29, 2018, Marvin Casino (“Casino”) moved for summary judgment [D.E. 119] and filed a memorandum in support [D.E. 120], a statement of material facts [D.E. 121], and an appendix [D.E. 122]. On November 16, 2018, McClary responded in opposition [D.E. 126, 127, 128]. On November 9, 2018, Casino replied [D.E. 130]. On December 7, 2018, McClary filed a notice to withdraw his claims against Casino [D.E. 135]. On December 7, 2018, Fuller, Susie Wood (“Wood”), and Tiffany Hendren (“Hendren”; collectively, “defendants”) moved for summary judgment [D.E. 136] and filed a memorandum in support [D.E. 137], a statement of material facts [D.E. 138], and an appendix [D.E. 139]. On January 2, 2019, McClary responded in opposition

[D.E. 145, 146, 147]. On January 16, 2019, defendants replied [D.E. 151]. On May 15, 2019, the court referred the pending motions for summary judgment to Magistrate Judge Numbers for a memorandum and recommendation (“M&R”).

On May 22, 2019, Magistrate Judge Numbers issued a M&R and recommended permitting McClary to withdraw his claims against Casino [D.E. 135], dismissing as moot Casino’s motion for summary judgment [D.E. 119], and denying as moot McClary’s motions to amend [D.E. 129] and to file a sur-reply [D.E. 131]. See [D.E. 162]. On June 3, 2019, McClary responded to the M&R [D.E. 164]. On June 25, 2019, Magistrate Judge Numbers issued a second M&R and recommended that the court grant defendants Wood, Hendren, and Fuller’s motion for summary judgment [D.E. 136]. See [D.E. 165]. No party objected to the second M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). Moreover, the court need not conduct de novo review if a party makes “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). “Section 636(b)(1) does not countenance a form of generalized objection to cover all issues addressed by the magistrate judge.” United States v. Midgette, 478 F.3d 616, 621 (4th Cir. 2007). Rather, “it contemplates that a party’s objection to a magistrate judge’s report be specific and particularized, as the statute directs the district court to review only those portions of the report or


specified proposed findings or recommendations to which objection is made.” Id. (quotation and emphasis omitted).

McClary’s response to the first M&R does not meaningfully address the M&R. Thus, because there is no clear error on the face of the record, the court accepts the recommendations in the first M&R.

No party responded to the second M&R. No clear error appears on the face of the second M&R and the record. Thus, the court accepts the recommendations in the second M&R and grants defendants Wood, Hedren, and Fuller’s motion for summary judgment [D.E. 136].

In sum, the court **OVERRULES** McClary’s objections [D.E. 164], **ADOPTS** the conclusions in the first M&R [D.E. 162], **DISMISSES** McClary’s claims against Casino, **DENIES** as moot defendant Casino’s motion for summary judgment [D.E. 119], **ADOPTS** the conclusions in the second M&R [D.E. 165], **GRANTS** defendants’ motion for summary judgment [D.E. 136], and **DISMISSES** McClary’s complaint [D.E. 24]. The clerk shall close the case.

SO ORDERED. This 11 day of September 2019.


JAMES C. DEVER III
United States District Judge .